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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,813	02/03/2004	Jong Hyeok Lee	2950-0284P	9550

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EXAMINER

DINH, TAN X

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/19/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/769,813	Applicant(s) LEE, JONG HYEOK	
	Examiner TAN X. DINH	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

- 1) The preliminary amendment filed 2/03/2004 is acknowledged.
- 2) Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
- 3) The drawings are objected to because figure 1 should be designated by a legend such as --PRIOR ART-- since only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

The replacement sheet(s) should be labeled " REPLACEMENT SHEET " in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures.

If the changes are not accepted by the Examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

- 4) Claims 2,3, and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description

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requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification, page 8, teaches that " While the focusing servo is turned on, the level detector 51 detects the level of an ATFM (Absolute Time Frequency Modulator) signal (wobble extraction signal) outputted through the ATFM terminal of the R/F unit 50 ". Thus, the feature of claims 2 and 8 was not exist in the disclosure. Further, there is no detail written description for feature as claimed in claim 3. Without the detail written description for these feature one of ordinary skill in the art can not practicing the invention.

5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6) Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over TAWARAGI (US 2004/0130991).

TAWARAGI discloses a method for determining the type of an optical disk as claimed in claim 1, comprises the step of (a) detecting a level of a wobble extraction signal while a focusing servo is turned on (paragraph [0078]), (b) determining a type of a loaded optical disk based on the detected signal level (paragraph [0078]), except to specifically show the step of adjusting tracking servo operation according to the determined optical disk type. However, the optical disk detecting system of TAWARAGI capable of detecting between CD-ROM, DVD-ROM, CD-R/RW or DVD-R/RW in order to perform recording or reproducing operations on these types, obviously, the tracking servo must be adjusted depend on the type of the optical recording medium as claimed.

Claim 7 is rejected with the same reasons set forth in claim 1 above.

7) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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8) (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9) Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by CHOI et al (US 2004/0218497).

CHOI et al discloses a method for determining the type of an optical disk as claimed in claim 1, comprising the step of:

(a) detecting a level of a wobble extraction signal while a focusing servo is turned on (Fig.4, 404);

(b) determining a type of a loaded optical disk based on the detected signal level (Fig.4, 405, 406);

c) performing a tracking servo adjustment operation according to the determined optical disk type (Fig.4, 407).

Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by CHOI et al with the same reasons set forth in claim 1 above.

10) Claims 1-11 are further rejected under 35 U.S.C. 103(a) as being unpatentable over MAEGAWA et al (6,859,425).

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MAEGAWA et al discloses a method for determining the type of an optical disk as claimed in claims 1 and 5, comprises the step of (a) detecting a level of a wobble extraction signal while a focusing servo is turned on (column 32, lines 5-10), (b) determining a type of a loaded optical disk based on the detected signal level (column 1, lines 5-15), except to specifically show the step of adjusting tracking servo operation according to the determined optical disk type. However, the optical disk detecting system of TAWARAGI capable of detecting between CD-ROM, DVD-ROM, CD-R/RW or DVD-R/RW in order to perform recording or reproducing operations on these types (see column 3, lines 10-44), obviously, the tracking servo must be adjusted depend on the types of the optical recording medium as claimed.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over MAEGAWA et al with the same reasons set forth in claim 1 above.

As to claims 2 and 8, it would have been obvious to turn off the tracking servo during detecting the wobble extraction signal since the tracking servo can be turn on or off from the user during perform detection process.

As to claim 3, it would have been obvious to use a higher detecting level of wobble extraction signal for recording disk than

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reproducing disk since the ATFM (Absolute Time Frequency Modulator) signal (wobble extraction signal) of recording disk is higher than reproducing disk.

The feature of claims 4,9 and 10 is inherently in MAEGAWA et al's optical recording system since the optical disk device is capable of switching to any desirable modes (recording mode or reproducing mode) depend on the type of the optical recording medium.

As to claims 6 and 11, the method of using 3-beam or DPD scheme during recording or reproducing is old and widely used in the art.

11) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form PTO-892 is attached herein.

12) Any inquiry concerning this communication or earlier

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communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 9:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER
April 13, 2007